

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BOROUGH OF EDGEWATER,

Plaintiff,

v.

**WATERSIDE CONSTRUCTION, LLC, ET
AL.,**

Defendants.

Civ. Action No. 14-5060 (JMV)

ORDER

John Michael Vazquez, U.S.D.J.

For the reasons expressed in the accompanying Opinion; and for good cause shown,

IT IS on this 3rd day of May 2017,

ORDERED that Alcoa's Motion to Consolidate *North River Mews Associates, LLC et al. v. Alcoa Corporation et al.*, No. 2:14-cv-08129 (D.N.J.) with *Borough of Edgewater v. Waterside Construction, LLC et al.*, No. 2:14-cv-05060 (D.N.J.), D.E. 191, is **GRANTED IN PART AND DENIED IN PART**. The motion is granted as for case management and pretrial purposes only and Civil Action No. 14-5060 will serve as the lead case. The Court will address whether to consolidate the cases for summary judgment motions and trial at the close of discovery; and it is further

ORDERED that Judge Dennis M. Cavanaugh (Ret.) of McElroy, Deutsch, Mulvaney & Carpenter, LLP, is appointed under Federal Rule of Civil Procedure 53 as Special Master on an ongoing basis for the purpose of assisting the Court with discovery disputes and the following will apply:

1. The Special Master shall have the rights, powers, and duties provided in Rule 53 and may adopt such procedures as are not inconsistent with that rule or with this or other Orders of the Court. The Special Master should create a record of proceedings, take testimony or obtain submissions, and impose whatever procedures he deems appropriate to fulfill his duties under this Order.
2. The Special Master will contact the parties to set up an initial conference in the near future.
3. Any appeal of or objections to the findings or conclusions of the Special Master must be filed within the time frame set forth in Local Civil Rule 72.1(c)(1). Any appeals or objections will be addressed to Judge James B. Clark, U.S.M.J.
4. Compensation shall be paid to the Special Master on a periodic basis by the parties. The compensation shall be split among the parties at this time. Final allocation of these amounts shall be subject to taxation as costs at the conclusion of the case at the discretion of the Court.
5. The parties shall advise the Court and the Special Master of any apparent, potential, or actual conflict of interest no later than May 17, 2017.


John Michael Vazquez, U.S.D.J.

cc. Judge Madeline C. Arleo, U.S.D.J.
Judge Leda D. Wettre, U.S.M.J.
Judge James B. Clark, III, U.S.M.J.
Judge Dennis M. Cavanaugh, Ret.